

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff,

v.

No. 1:19-cv-01094-JDB-jay

ROGER A. HOPSON, *et al.*,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION AS AMENDED
AND
DENYING PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT

This declaratory judgment action was brought by the Plaintiff, State Farm Mutual Automobile Insurance Company (“State Farm”), against the Defendants, Roger A. Hopson; Cynthia Hopson; Angela Hopson; Noah W. Thomas, EAN Holdings, LLC d/b/a Enterprise Rent-A-Car; and Tennessee Farmers Mutual Insurance Company, on May 15, 2019. (Docket Entry (“D.E.”) 1.) After obtaining entry of default as to Defendants Roger, Cynthia, and Angela Hopson (D.E. 47), Plaintiff, on November 15, 2019, moved for default judgment under Rule 55(b) of the Federal Rules of Civil Procedure (D.E. 49). Pursuant to an order of reference (D.E. 51), United States Magistrate Judge Jon A. York, on January 17, 2020, issued a report and recommendation, recommending that the motion be denied (D.E. 58). On January 28, 2020, State Farm filed a timely objection to the report and recommendation, requesting that this Court withhold action on the report until after the deposition of Angela Hopson, set for February 27, 2020, at which additional evidence relative to the pending motion was to be obtained. (D.E. 60.) Pursuant to a second order of reference for the purpose of reviewing and considering this additional evidence (D.E. 61), Judge

York issued an amended report and recommendation on May 8, 2020, again recommending that the motion for default judgment be denied (D.E. 77).

As no objections to the magistrate judge's amended report and recommendation have been filed and the time for such objections has expired, and upon review of the record, the report and recommendation as amended is hereby ADOPTED. The motion for default judgment is DENIED.

IT IS SO ORDERED this 5th day of June 2020.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE